

Synopsis of Sentencing Commission Proposal on Certificates of Rehabilitation

Individuals with prior criminal convictions in Connecticut face barriers to employment, licensing, and public housing. Without a job and a place to live, they are at a greater risk of recidivating. At its meeting on December 20, 2012, the Connecticut Sentencing Commission will consider a draft proposal to create a "Certificates of Rehabilitation" program, aimed at reducing barriers faced by individuals with convictions and encouraging reintegration into communities. The proposal would:

- Allow the Board of Pardons and Paroles and Superior Court judges (upon the recommendation of the probation office) to issue "Certificates of Rehabilitation" to eligible applicants with prior criminal convictions.
- Require employers, state licensing agencies, and public housing authorities to consider Certificates in evaluating applicants. Certificates would create a rebuttable presumption that the applicant had rehabilitated since the time of the offense. The Certificate would not mandate that the applicant be accepted for the employment, licensing, or housing sought. Under current law, state employers, state licensing agencies, and public housing authorities are already required to consider rehabilitation as a factor in assessing an applicant with a criminal record.
- Provide that Certificates shall be granted only if they are consistent with the safety of any victim of the offense.
- Provide liability protection for employers who hire individuals who have been granted Certificates.
- Codify federal law by permitting private employers to reject applicants based on prior criminal convictions only if the rejection is "job related and consistent with business necessity" for the position in question.
- Provide that prior criminal convictions shall not be considered in evaluating the suitability of applicants for barber, hairdresser, and cosmetician licenses. Under current law, applicants for these licenses may be denied if they have been convicted of felonies.

- Give the Sentencing Commission oversight over the evaluation of the Certificate program and require the Commission to annually report on the program's efficacy.

The Commission will also consider whether the Certificates of Rehabilitation program should replace the existing provisional pardons program, or instead supplement the existing program.

The Commission will hear public comments on the proposal at a public hearing at the Legislative Office Building in Hartford on November 29, 2012, beginning at 12:00 PM.